IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 4142 of 2004(R)

PETITIONER:

SURYA TOWERS, RAILWAY STATION JUNCTION,
ANGAMALY, ERNAKULAM DISTRICT, CONSUMER NO. 2/3659
REPRESENTED BY MANAGING PARTNER,
MANOJ ANTONY.

BY ADV. SRI.KKM.SHERIF
SRI.A.A.ZIYAD RAHMAN

RESPONDENTS:
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1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VYDHYUTHI BHAVAN, TRIVANDRUM.

2. THE DEPUTY CHIEF ENGINEER,
(COMMERCIAL) VYDHYUTHI BHAVAN, TRIVANDRUM.

3. THE SPECIAL OFFICER REVENUE,
VYDHYUTHI BHAVAN, TRIVANDRUM.

4. THE ASSISTANT ENGINEER,
ELECTRICAL SECTION, ANGAMALY.

BY ADV. SRI. C.K. KARUNAKARAN SC FOR K.S.E.B.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DELIVERED THE FOLLOWING:

WP(C) NO: 4142/2004 R

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE B.O.(FM) NO. 738/2003 (PLG. COM 3472/97) DATED 5/6/03.

EXT.P2. COPY OF THE INVOICE DT. 3/09/03 OF RS. 244,811/-

EXT.P2A. COPY OF THE INVOICE 2/3659.

EXT.P3. COPY OF THE REPRESENTATION DT. 2/10/2003.

EXT.P4. COPY OF THE INVOICE DT. 3/1/2004 FOR AN AMOUNT OF RS. 2,26031/-

EXT.P4A. COPY OF THE CALCUATION STATEMENT DATED NIL.

EXT.P5. COPY OF THE COMMUNICATION DT. 19/1/2004.

EXT.P6. COPY OF THE DEMAND NOTICE DATED 23/1/2004.

EXT.P7. COPY OF THE RECEIPT DT. 29/09/2003 BY THE HDFC BANK.

True copy

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KURIAN JOSEPH, J.

W.P. (C). NO. 4142 OF 2004

Dated this the 19th day of July, 2007.

J U D G M E N T

Petitioner is aggrieved since interest for part of the month has been taken as interest for one month. Taking note of the fact that the electricity that is supplied is supply in advance, it is only just that such rigorous conditions are imposed, as held by the Supreme Court in several decisions.

2. However, it is seen that the petitioner has been demanded two months interest though the delay is actually for less than a month. Apparently it is on the technical ground that the payment is made in the succeeding month. If the delay is below one month's duration, there is no justification in levying interest for two months for the only reason that the demand falls in one month and delayed remittance is in the succeeding month. Such an interpretation is not warranted under Regulation 32(e) of the Conditions of Supply of Electrical Energy.

I quash Exhibit P6 and other similar bills issued to the petitioner with a direction to the third respondent to recalculate the interest in the light of the judgment and make appropriate adjustments in the future bills, within a period of three months.

KURIAN JOSEPH, JUDGE.

smp